UNITED STATES PATENT AND TRADEMARK OFFICE

General Information About Plant Patents

General Information About 35 U.S.C. 161 Plant Patents

This publication provides a basic and understandable overview of plant patents. It will help prospective plant patent applicants to:

- Identify what types of plants are patentable under the provisions of 35 U.S.C. 161.
- Present the legal requirements for attaining a plant patent in terms that can be understood by attorneys, plant breeders, growers and gardeners.
- Present the formal requirements of an application for plant patents.
- Assist in gathering and organizing sufficient information for preparation of a plant patent application.
- Summarize the typical steps that are performed by the Patent and Trademark Office.
- Indicate where further information can be attained.

For additional information you may access the United States Patent and Trademark Office website at ***http:www.uspto.gov***

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What is a plant patent?

A plant patent is granted by the Government to an inventor (or the inventor's heirs or assigns) who has invented or discovered and asexually reproduced a distinct and new variety of plant, other than an edible tuber propagated plant or a plant found in an uncultivated state. The grant lasts for 20 years from the date of filing the application (or if the application claims priority under 35 U.S.C. 120, 121 or 365(c) to an earlier-filed application, 20 years from the earliest filing date for which a benefit is claimed under 35 U.S.C. 120, 121 or 365(c)). It protects the inventor's right to exclude others from asexually reproducing, selling, or using the plant so reproduced or any of its parts throughout the United States, or from importing the plant so reproduced, or any parts thereof. This protection is limited to a plant in its ordinary meaning:

- A living plant organism which expresses a set of characteristics determined by its single, genetic makeup or genotype, which can be duplicated through asexual reproduction, but which can not otherwise be "made" or "manufactured."
- Sports, mutants, hybrids, and transformed plants are comprehended; sports or mutants may be spontaneous or induced. Hybrids may be natural, from a planned breeding program, or somatic in source. While natural plant mutants might have naturally occurred, they must have been discovered in a cultivated area.
- Algae and macro fungi are regarded as plants, but bacteria are not.

The information presented in this publication is tailored to apply to and is limited to patents on asexually reproduced plants. While the United States Patent and Trademark Office (USPTO) does accept utility applications having claims to plants, seeds, genes, etc., such practice is beyond the scope of this publication. General information regarding utility practice can be obtained by calling USPTO Information Services Division at 1-800-786-9199, or from a registered patent attorney. Intellectual property protection for true breeding seed reproduced plant varieties is offered through the Plant Variety Protection Office, Beltsville, Md., which should be contacted for information regarding intellectual property protection for such crops.

Provisions and Limitations

Patents to plants which are stable and reproduced by asexual reproduction, and not a potato or other edible tuber reproduced plant, are provided for by Title 35 United States Code, Section 161 which states:

Whoever invents or discovers and asexually reproduces any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber propagated plant or a plant found in an uncultivated state, may obtain a patent therefor, subject to the conditions and requirements of title. (Amended September 3, 1954, 68 Stat. 1190).

The provisions of this title relating to patents for inventions shall apply to patents for plants, except as otherwise provided.

As noted in the last paragraph of the statute, the plant patent must also satisfy the general requirements of patentability. The subject matter of the application would be a plant which has been developed or discovered by applicant, and which has been found stable by asexual reproduction. To be patentable, it would also be required:

- That the plant was invented or discovered and, if discovered, that the discovery was made in a cultivated area.
- That the plant is not a plant which is excluded by statute, where the part of the plant used for asexual reproduction is not a tuber food part, as with potato or Jerusalem artichoke.
- That the person or persons filing the application are those who actually invented the claimed plant; i.e., discovered or developed and identified or isolated the plant, and asexually reproduced the plant.
- That the plant has not been sold or released in the United States of America more than one year prior to the date of the application.
- That the plant has not been enabled to the public, i.e., by description in a printed publication more than one year before the application for patent in conjunction with public release or sale of the plant more than one year prior to application for patent.
- That the plant be shown to differ from known, related plants by at least one distinguishing characteristic, which is more than a difference caused by growing conditions such as fertility levels, temperature or lighting.
- The invention would not have been obvious to one skilled in the art at the time of invention by applicant.

Where doubt exists as to the patentability of a specific plant, a qualified legal authority should be consulted prior to applying to assure that the plant satisfies statutory requirements and is not exempted from plant patent protection.

Inventorship

Because there are two steps that constitute invention in plant applications, there may be more than one inventor. An inventor is any person who contributed to either step of invention. For example, if one person discovers a new and distinct plant and asexually reproduces the plant, such person would be a sole inventor. If one person discovered or selected a new and distinct plant, and a second person asexually reproduced the plant and ascertained that the clone(s) of the plant were identical to the original plant in every distinguishing characteristic, the second person would properly be considered a coinventor. If a staff performs either step, every member of the staff who performed or contributed to the performance of either step could properly be considered a coinventor. Thus, a plant patent may have a plurality of inventors. However, an inventor can

direct that the step of asexual reproduction be performed by a custom propagation service or tissue culture enterprise and those performing the service would not be considered coinventors.

Asexual Reproduction

Asexual reproduction is the propagation of a plant to multiply the plant without fusion of gametes, to assure an exact genetic copy of the plant being reproduced. Any known method of asexual reproduction that renders a true genetic copy of the plant may be employed. Acceptable modes of asexual reproduction would include but may not be limited to:

- Rooting Cuttings
- Apomictic Seeds
- Division
- Layering
- Runners
- Tissue Culture
- Grafting and Budding
- Bulbs
- Slips
- Rhizomes
- Corms
- Nucellar Embryos

The purpose of asexual reproduction is to establish the stability of the plant. This second step of the invention must be performed with sufficient time prior to application for patent rights to allow the thorough evaluation of propagules or clones of the claimed plant for stability thus assuring that such specimens retain the identical distinguishing characteristics of the original plant.

Rights Conveyed by a Plant Patent

Grant of a patent for a plant precludes others from asexually reproducing the plant, or from using, offering for sale, or selling the plant so reproduced, or any of its parts throughout the United States, or from importing the plant so reproduced, or any parts thereof into the United States. A plant patent is regarded as limited to one plant, or genome. A sport or mutant of a patented plant would ***not*** be considered to be of the same genotype, would not be covered by the plant patent to the parent plant, and would, itself, be separately patentable, subject to meeting the requirements of patentability. Subject to any disclaimer, a plant patent expires 20 years from the filing date of the patent application, or if priority is claimed under 35 U.S.C. 120, 121 or 365(c) to an earlier United States application, 20 years from the earliest filing date claimed. As with utility applications, when the plant patent expires, the subject matter of the patent becomes public domain.

The Application

While the formal requirements of an application for plant patent will be outlined below, anyone seeking a patent should contact the USPTO just before filing of an application, to ensure that new requirements have not been made, and that the fees filed with the application are sufficient, as such are subject to change. Filing an application without sufficient fees may result in loss of filing date and/or having to pay an additional fee (a surcharge) to reactivate the application. Filing an application which is not complete may result in the application not being accepted by the USPTO, and thus may result in the loss of intellectual property rights by the applicants. Applications that are not formal when filed may also result in loss of rights. The current filing fee for a 35 U.S.C. 161 Plant Patent Application is $255 for small entities and $510 for large entities. Applicants paying the small entity fee or stating that they are small entities will be accorded small entity status without being required to make any specific statements of small entity status, but applicants claiming small entity status should determine whether small entity status is appropriate before claiming such status or paying only the small entity fee. (Fees are subject to change.)

Legal Representation

Those seeking a plant patent should be aware that they may prosecute their applications through the services of a registered patent attorney/agent. While the USPTO will not help in the selection of an attorney/agent, one seeking a plant patent should select an attorney/agent who is registered to practice before the USPTO.

The publication *Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office* is available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Content and Arrangement

With some exceptions, a patent application for a plant is subject to the same requirements as a utility application. Federal regulation (Series 37 Code of Federal Regulations, Section 1.163(a)) requires that the specification must contain as full and complete a botanical description as reasonably possible of the plant and the characteristics that distinguish that plant over known, related plants. The components of a plant application are similar to those of a utility application and are covered by the following guidelines that illustrate the preferred layout and content for patent applications. These guidelines are suggested for use by one filing a plant patent application:

Arrangement of the Specification

The following arrangement is preferred in framing the specification and, except for the title of the invention, each of the lettered items should be preceded by the headings indicated below as tailored for application for a plant filed under 35 U.S.C. 161:

(a) Title of the Invention. The title of the invention must include the name of the claimed plant. The name of the plant is to be used for international recognition and identification of the plant, and must fall within the requirements of the International Code of Nomenclature for Cultivated Plants, 1980. The name of the plant will be placed between two single quotation marks to indicate which word or words in the title constitutes the plant name.

(b) Cross-Reference to Related Applications (if any). Related applications include:

- A utility application from which the claimed plant is the subject of a divisional application.
- A continuation (copending, newly filed application) or CPA to the same plant filed when a parent application has not been allowed to a sibling cultivar.
- An application not copending with an original application that was not allowed.
- Copending applications to siblings or similar plants developed by the same breeding program, etc.

(c) Statement as to rights to inventions made under Federally-sponsored research and development (if any).

(d) Latin name of the genus and species of the plant claimed.

(e) Background of the invention.

1. Field of the Invention. The field of the invention is intended to identify the botanical and market class of the invention, and to reflect how the plant will be used. This section should indicate the botanical name of the plant by genus and species, and should state the market class of the plant.

2. Description of relevant prior art including information disclosed under 37 CFR 1.97-1.99. Here, the parents of the claimed plant, or the known plants to which the claimed plant is related are discussed. Frequently the parent plant or plants are identified in this section and are described as to their most important or distinguishing characteristics. The claimed plant may be compared to the parent plant or plants in this section. If the parent plants are not known, the probable parent plants may be indicated. It is appropriate in this section to indicate how the plant was attained and to detail the necessary averments to how and where the plant has been asexually reproduced. This section must also include a positive statement that the clones or propagules of the claimed plant are identical to the original plant in all distinguishing characteristics so as to establish that the claimed plant is stable.

(f) Summary of the Invention. In the Summary section, the major characteristics of the plant are set forth, and they may be presented as a list of novel characteristics, or by a narrative description of the trait or traits of the plant which set the plant apart from all other plants of the botanical class and the market class of plant.

(g) Brief Description of the Drawing. Under this heading a separate brief description should be presented to describe the contents of each view or figure of the drawing. The drawing in a plant patent must show the plant with the most distinguishing characteristics of the plant in sufficient scale to be identifiable

when reduced by as much as 50%. Drawings should be photographic, and must be in color where coloration is a distinguishing characteristic. Where characteristics of foliage, bark, flowers and/or fruit are distinguishing, such plant parts should be clearly depicted in one or more figures of drawing. Figures of the drawing need not be numbered unless specifically required by the examiner. Drawings must be produced to satisfy the same requirements as drawings in a utility application.

(h) Botanical Description of the Plant. This section should be a reasonably complete botanical description of the claimed plant. Specification of the genus, species and market class may begin this section, and the parents of the claimed plant may be specified in the initial part of this section. The growth habit of the plant should be described as to the shape of the plant at maturity, and branching habit. The characteristics of the plant in winter dormancy should be completely described, if appropriate. A complete botanical description of bark, buds, blossoms, leaves, and fruit should be a part of the disclosure. Plant characteristics which are not capable of definitive, written description or which cannot be clearly shown must be given substantive attention in this portion of the application. These would include, but are not limited to, fragrance, taste, disease resistances, productivity, precocity, and vigor. Even if the characteristics are well depicted, the botanical characteristics must be substantively described. The descriptions in this section should be botanical in nature and should be in terms of the art of the plant. The detail of this section should be sufficient to prevent others from attempting to patent the same plant at a later date by simply describing the plant in more detail and with the allegation that the original patent did not state the characteristics being further described.

(i) Claim. A plant patent is limited to one claim. The claim shall be in formal terms to the plant as shown and described, as the claim is statutorily drawn to the plant as a whole. The claim may also make reference to one or more of the unusual characteristics of the plant, but may not claim parts or products of the plant. The claim must be in single sentence form.

(j) Abstract of the Disclosure. The abstract is a brief description of the plant and of the most notable or novel and important characteristics of the claimed plant. Preferably, the description of the plant will be a condensed review or presentation of the most distinguishing characteristics of the plant.

Preparation of the Application

While background information for specific classes of plants may be readily available, one seeking to file a plant patent application should be thoroughly familiar with the characteristics of the plant, and must assure that the plant is stable. Invention for purposes of a plant patent is a two-step process:

- The first step is the discovery step that involves the identification of a novel plant. This step could be performed in any cultivated area. It could involve the identification or recognition of an off-type plant in a monoculture of a known variety or the identification of a desirable mutant that was either spontaneous or induced. Or, it could result from the identification or recognition of an outstanding individual within the progeny of a cross made in a planned breeding program.
- The second step, which consists of asexual reproduction, tests the stability of the claimed plant to assure that the plant's unique characteristics are not due to disease, infection, or exposure to agents which cause a change in the plant's appearance which is transitory and not due to a change in the genotype of the plant.

It is important that each of the above steps is satisfied before an application is filed. The inventor of a plant must have discovered or identified the novel plant, and must have asexually reproduced the plant and observed the clones so produced for a sufficient amount of time to have concluded that the clones are identical to the parent plant in all characteristics. It would be inappropriate to file an application before the second step of invention had been completed. Filing of an application before the second step of invention has been completed will result in rejection of the claim as being premature and non-statutory.

Oath or Declaration

The applicant (or applicants) for a plant patent must be the person (or persons) who has (or have) invented or discovered and asexually reproduced the new and distinct variety of plant for which the patent is sought. The oath or declaration must identify any foreign application relied upon for priority and any foreign application having a filing date before that for which priority is claimed, by specifying the application number, country, day, month, and year of filing. In addition to the averments required for a utility application's oath or declaration, those applying for a plant patent must also state that applicant(s) has or have asexually reproduced the plant. If the plant is a newly found plant, the oath or declaration must also state that the plant was found in a cultivated area.

Applicants must sign and date an oath or declaration in permanent ink no more than three months prior to filing of the application. The applicant's mailing address must be provided on this document, if the address is not provided on an application data sheet (see 37 CFR 1.76).

The Drawing

Plant drawings are normally photographic, but may be presented in other media, such as in permanent water color renderings, which faithfully present the appearance of the plant. Such drawings are not mechanical drawings and should be artistic and competent in their execution. Figure numbers and reference characters need not be used unless specifically required by the examiner. The drawing must disclose all of the distinctive characteristics of the plant that are capable of visual representation. Drawings may be in color. Where color is a distinguishing characteristic of the new plant, the drawing must be in color. The colors depicted must correspond with their respective color designations set forth in the specifications defined in a recognized color dictionary that is specifically identified in the specification. Two copies of color drawings and a black and white copy of any color drawing must be submitted. Color drawings may be made either in permanent water color or oil. Photographs, including color photographs, are acceptable. The paper used for plant drawings or photographs, in any case, must correspond in sizes, weight, and quality to the paper required for other drawings, i.e., in a utility application. The margin requirements of drawings are also the same as with other patent drawings.

Drawings requirements will be strictly adhered to because the claim incorporates the drawing by reference. The claim cannot be allowed until drawings have been approved.

Final Preparation and Assembly

Before an application is filed, the (clones of the) plant must have been carefully observed during the testing process. Because *the botanical description of the plant must be reasonably complete,* it would not suffice to describe just the fruit, or flower, or bark, or leaves of any specific plant, even if these plant parts were the valuable substance of the plant in commerce or the only parts seen to be distinctive or different. It would be inappropriate to describe just the bark, roots, and juvenile growth of a rootstock, even if only these parts would normally would be seen by or important to the consumer who was to purchase the plant. In preparation of a plant patent disclosure, all parts of the plant should be carefully observed through at least one growth cycle and such observations should be recorded in detail. Because many plants (like pine trees of the same species, asparagus plants, bluegrass plants, etc.) may look very similar, it may take the collective differences in a number of traits to distinguish a new cultivar. Failure to record characteristics and differences at their time of availability in the growing season could result in applicant not being able to adequately botanically describe the claimed plant when the specification is drafted. Incomplete records of a claimed plant may render it impossible to overcome defects identified in an examiner's rejection or at the very least prolong prosecution of the application. Among the factors which must be ascertained for a reasonably complete botanical description for the claimed plant are:

- Genus and species
- Habit of growth
- Cultivar name
- Vigor
- Productivity
- Precocity (if applicable)
- Botanical characteristics of plant structures (i.e. buds, bark, foliage, flowers, fruit, etc.)

- Fertility (Fecundity)
- Other characteristics which distinguish the plant such as resistance(s) to disease, drought, cold, dampness, etc., fragrance, coloration, regularity and time of bearing, quantity or quality of extracts, rooting ability, timing or duration of flowering season, etc.

The amount of detail required in a plant patent application is determined on a case-by-case basis, and is determined by the similarity of the prior art plants to the plant being claimed. The examiner will evaluate the completeness of the application. The examiner's judgment may be tempered by the level of activity in a specific market class. The botanical description of a plant in a market class with a high level of commercial activity may require greater detail, substance, and specificity than that for a plant in a market class of little activity.

Publication of Plant Patent Applications

Applications for both utility and plant patents are published 18 months after the filing date of the application, or if the application relies upon the filing date of an earlier application under title 35, United States Code, 18 months after the filing date of the prior application, unless applicant requests non-publication on filing and makes the certification required by 35 U.S.C. 122(b)(2)(B)(i). Plant patent applications are currently published in black and white, although patents are published in color. The complete application as originally filed is published, unless the application is amended and an electronic replacement document is filed through the Electronic Filing System (see http://www.uspto.gov/ebc/efs for further information).

The Examination

Upon filing, the application is reviewed for formalities in the USPTO Initial Processing Branch where it is assigned an application number, assembled into a file jacket, and reviewed by application examiners for formal requirements. If found in compliance, the application is then forwarded to the examining group, where it is classified and assigned to a patent examiner. The application is then filed in chronological order, by application number, to await examination on the merits. When the application is taken up by the examiner, it is again examined for formalities. Points of concern in this portion of the examination include:

- Title. The title must include the market name of the plant. The name of the plant is searched to assure that it has not previously been used to describe a plant of the same botanical or market class, or is confusingly similar to an existing plant sharing the same botanical or market class.
- Oath or declaration. The oath or declaration is reviewed to assure that it is of the proper plant format noted above, that it is properly signed and dated.
- Presence of an Abstract. The abstract is reviewed for length and content. An abstract must be present, and should be on a separate page.
- Arrangement of the components of the specification. The application will be reviewed to ensure that each required component of the application is present, that proper headings are presented, and that each component is within the preferred arrangement presented above.

When satisfied that the application is complete and formal, the examiner will examine the disclosure on the merits. This examination will typically include assessment of:

- *Completeness of botanical description.* The description of the plant must be complete to the point of reasonably distinguishing the claimed plant from the most closely related plants, both patented and unpatented. If the claimed plant is of a species which has not been previously patented, the details of the specification will be compared with available descriptions of the species to assure that the specification describes at least one clearly distinguishing trait not previously described as characteristic of the species, or a combination of characteristics which are unusual within the species (i.e., novel and unobvious). If applicant's description is broad or brief, and such description falls within general descriptions of the species of claimed plant, this will form a bona fide basis of rejection. If major characteristics of the plant have not been botanically described, the disclosure will be objected to (and the claim rejected) by the examiner as incomplete with the reasoning of the examiner forming a basis for objection/rejection.

- *Novelty of the claimed plant.* The description of the claimed plant will be compared with the closest available prior art. Prior art constitutes those plants known and available to the skilled artisan at the time of applicant's invention. If the disclosure of the application does not distinguish the claimed plant over such previously known and available plants (either patented or unpatented) the claim will be rejected as failing to distinguish the claimed plant over the known plant. A plant patent or published botanical description of the prior art plant will be cited to establish the existence of the referenced plant. Should such a rejection be extended, it becomes incumbent on the applicant to amend the disclosure to include further botanical description of the claimed plant to distinguish over the known plant, if such is possible. Alternatively, or in addition, the applicant may argue how and why the originally filed disclosure factually distinguishes the inventive plant over the plant of the reference.
- *Obviousness.* The plant will be examined based on the standard statutory and court determined tests of obviousness. The factual inquiries that are applied for establishing a background for determining obviousness under Title 35 United States Code, Section 103 include:

Determining the scope and contents of the prior art; ascertaining any differences between the prior art and the claim at issue and if there are any in fact; and resolving the level of ordinary skill in the pertinent art.

The claimed plant must be indicated to have been suggested by the prior art relied on by the examiner, and must be shown to have been reasonably expected by the reference or references relied on by the examiner, and must be shown to have been reasonably expected by the reference or references relied on by the examiner before such a rejection can be seen as constituting a prima facie case of obviousness. Normally, if a reasonable prima facie case of obviousness cannot be developed by the examiner, a rejection based on obviousness will not be extended. Such a rejection may be extended where the prior art indicates that a known method of breeding, such as mutation induction breeding, using known and effective mutagens in dosages known to work, would reasonably be expected to result in mutation in a specific direction and of a specific magnitude, or where the prior art might suggest reasonable results after attempts to alter a plant through known processes. Examples include the tissue culture of diverse genotypes of a chimera to separate the different genotypes, or the application of colchicine to plant cells to double chromosome numbers.

If the application is formal, complete, and determined by the examiner to be drawn to a plant that was both novel and unobvious, the application will be allowed by the examiner and a notice of allowance forwarded to the applicant.

Once allowed by the examiner, the application will be forwarded to the USPTO Issue Branch, where it will await payment of the issue fee by applicant. If the application was filed on or after November 29, 2001, without a nonpublication request, a $300.00 publication fee will also be required. The publication fee is the same for small and large entities. Upon payment of the issue fee and any required publication fee, the application will be published in due course.

Helpful Hints

- Make every attempt not to present a name for the plant which has already been used or is confusingly similar to a plant of the same market or botanical class. Search old catalogs and available international register listings before assigning a name to a plant.

- File all drawings in duplicate. Be sure that two sets of drawings accompany the application when filed, and that these are of reasonable fidelity to the specified colors of the plant. Photographs should not be mounted on paper, but photographs should instead be developed on a single sheet of paper. The paper should be either 21.0 cm. by 29.7 cm (DIN size A4) or 8 inches by 11 inches. Be sure that the scale and clarity of the drawings are appropriate to allow for adequate reproduction even if reduced in scale upon publishing.

- Include a transmittal sheet that itemizes the contents of the application as filed.

- File each individual application in a separate envelope, and be sure to include all of the parts of each application in the same envelope. Include a post card, with the applicant's return address, listing the contents of the application papers (e.g., six pages of specification and claim, five pages of drawings, an executed declaration, a check for the small entity filing fee and a transmittal letter) which the USPTO can stamp with the filing date of the application and the application number, and return to applicant. Mail assignment documents separately to the Office (assignments should be mailed to Box Assignment, Director- U.S. Patent and Trademark Office, Washington D.C. 20231).

- Model the application after a recent patent of acceptable format and content which describes a plant which is related to or in the same market class as the claimed plant, if one is available.

- Check that the oath or declaration is that required for a plant patent application. Ensure that the oath or declaration has been signed in permanent ink or its equivalent. Check that the citizenship is provided. If the inventor is deceased, then the oath or declaration needs to be signed by the legal representative of the deceased inventor (often the widow or widower, parent or child of the inventor).

- Where color is a distinguishing characteristic of the plant, specify the color of the plant as defined by reference to an established color dictionary that is recognized in this country.

- Be sure that drawings filed are complete, and reasonably correspond with the colors of the plant that are specified and to the true and characteristic plant coloration.

- Include the appropriate filing fee with the application to avoid processing delays.

- Direct pre-examination questions concerning the application to the Examiner, by telephone, to expedite prosecution. Include a current telephone number with all correspondence with the USPTO.

- If the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing, the applicant may request that the application not be published. Such a non-publication request and certification must be made on filing. (This will save applicants the expense of the publication fee.)

Correspondence

New patent applications should be mailed to:

Commissioner for Patents
Box: Patent Application
Washington, D.C. 20231

TELEPHONE INQUIRY CONTACTS

Any inquiry concerning this publication may be extended to
Primary Examiner Howard J. Locker at (703) 308-2924,
Examiner Kent Bell at (703) 306-3224 or
Supervisory Patent Examiner Bruce Campell at (703) 308-4205.

TELECOPY/FACSIMILE TRANSMISSION

To reach the above named Examiners by Fax, the Technology Center facsimile transmission number at the USPTO Fax Center in Crystal Mall 1 is
(703) 305-2742.

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Washington, DC 20231

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